

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 11, 2008

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, March 11, 2008.

Mayor Warmington opened the meeting with a prayer from Vice Mayor Stephen Gawron after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Chris Carter, Lawrence Spataro, Sue Wierengo, and Steve Wisneski, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

Absent: Commissioner Clara Shepherd (excused)

2008-25 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, February 26th.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Release of Easements within Block 560. ENGINEERING

SUMMARY OF REQUEST: Approve the DMDC's request for the City to release all easement rights to the vacated alley(s) and streets within block 560 as described in exhibit A (pg 4) of the documents and authorize the Mayor to sign the documents. The City had reserved those rights when the streets and alleys were vacated to provide for future maintenance and upgrades of underground utilities. Those utilities are no longer active since the construction of the new downtown street system.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the release of the easements and authorize the Mayor to sign the documents.

C. Two-Year Janitorial Services Extension, Through April 30, 2010.
ENGINEERING

SUMMARY OF REQUEST: Extend the current janitorial services contract with Reliant Professional Cleaning for two more years, one of which is the optional year that was a part of the original contract solicitation. The current contract expires April 30, 2008, with an optional 4th year if both parties agreed. The contractor had submitted the request which reflects the requested two-year extension without any cost adjustment from the current year of \$49,696 to clean both City Hall and DPW.

Furthermore, it is requested that the extension, should you approve, needs to include additional cleaning services at the Filtration Plant at \$15,864 annually for the same contract period as City Hall/DPW.

FINANCIAL IMPACT: The total cost of the contract (City Hall, Police Department, DPW and Filtration Plant) is \$69,729.16 annually.

BUDGET ACTION REQUIRED: None, the cost was anticipated during the budget time.

STAFF RECOMMENDATION: To approve the extension of the contract with Reliant Professional Cleaning Services to provide cleaning services until the end of April, 2010, at the three City buildings - City Hall, DPW, and Filtration Plant.

D. Tower Lease with Muskegon Housing Commission. CITY MANAGER

SUMMARY OF REQUEST: To approve a Tower Lease with the Muskegon Housing Commission that will allow the City to lease space on top of Hartford Terrace to place communications towers and associated facilities.

FINANCIAL IMPACT: \$140/month/antenna.

BUDGET ACTION REQUIRED: None at this time. Appropriate budgets will need to be amended at a later date.

STAFF RECOMMENDATION: To approve the agreement and authorize the Mayor and Clerk to sign it.

E. City-MDOT Agreement to: Amend the Engineering Agreement with Fleis & Vandenbrink to Increase the Construction Engineering Fee.
ENGINEERING

SUMMARY OF REQUEST: To approve the contract and resolution with MDOT to amend agreement 06-5195/SA to increase the construction engineering fee to Fleis & Vandenbrink from \$83,000 to \$99,900. The increase was the result of the contractor not completing the job within the completion date as per the contract.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the contract amendment and resolution and authorize the Mayor and Clerk to sign both.

F. Housing Commission Appointments. CITY MANAGER

SUMMARY OF REQUEST: To appoint the following persons to the Muskegon Housing Commission:

Marilyn Brooks (1/31/11)

Angela Anthony (1/31/12)

Maxine Lenear (1/31/13)

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the appointments.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the consent agenda as read.

ROLL VOTE: Ayes: Gawron, Spataro, Warmington, Wierengo, Wisneski, and Carter

Nays: None

MOTION PASSES

2008-26 PUBLIC HEARINGS:

A. Create a Special Assessment District for Estes Street, Fair to Lakeshore.
ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Estes Street, Fair Avenue to Lakeshore Drive project, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To create the special assessment district and assign two City Commissioners to the Board of Assessors by adopting the resolution.

The public hearing opened to hear and consider any comments from the public. Comments in opposition were heard from Roger and Caughey Borgeson, 2933 Simmeran Drive, Kalamazoo, reference their property at 2091 Estes; Ray Morency, 2066 Estes, and Derrick Olsen, 2016 Estes. Comments were also heard from Leland Davis, 1148 Terrace.

Motion by Commissioner Spataro, second by Commissioner Carter to close the public hearing and table action by Commission to the next Commission

Meeting.

ROLL VOTE: Ayes: Spataro, Wierengo, Wisneski, Carter, and Gawron

Nays: Warmington

MOTION PASSES

B. Create a Special Assessment District for Isabella Avenue, Ambrosia to Williams. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Isabella Avenue, Ambrosia Street to Williams Street project, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To create the special assessment district and assign two City Commissioners to the Board of Assessors by adopting the resolution.

The public hearing opened to hear and consider any comments from the public. No comments were made.

Motion by Vice Mayor Gawron, second by Commissioner Carter to close the public hearing and create the special assessment district for Isabella Avenue, Ambrosia to Williams.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron

Nays: None

MOTION PASSES

Mayor Warmington appointed Commissioner Shepherd and himself to the Board of Assessors.

C. Create a Special Assessment District for Seventh Street, Muskegon to Webster. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Seventh Street, Muskegon Avenue to Webster Avenue project, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To create the special assessment district and assign two City Commissioners to the Board of Assessors by adopting the resolution.

The public hearing opened to hear and consider any comments from the public. No comments were made.

Motion by Commissioner Carter, second by Vice Mayor Gawron to close the public hearing and table the special assessment of Seventh Street, Muskegon to Webster to the next Commission Meeting.

ROLL VOTE: Ayes: Warmington, Wierengo, Wisneski, Carter, Gawron, and Spataro

Nays: None

MOTION PASSES

D. Create a Special Assessment District for Beidler Street, Laketon to Southern. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Beidler Street, Laketon Avenue to Southern Avenue project, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To create the special assessment district and assign two City Commissioners to the Board of Assessors by adopting the resolution.

The public hearing opened to hear and consider any comments from the public. Comments in opposition were heard from Ed Winicki, 1826 Crowley, he owns property on Beidler; David Wotli, 1724 Beidler; and Marion Olejarczyk, representing 1608 Beidler. Rob Schweifler, 3200 Sandy Ct, owner of two properties on Beidler spoke in favor.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to close the public hearing and create the special assessment district for Beidler Street, Laketon to Southern.

ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Gawron, Spataro, and Warmington

Nays: None

MOTION PASSES

Mayor Warmington appointed Vice Mayor Gawron and Commissioner Spataro to the Board of Assessors.

E. Create a Special Assessment District for Roblane Avenue, Quarterline to Marlane. ENGINEERING

SUMMARY OF REQUEST: Vacate the previously created district on February 12, 2008, and to hold a public hearing on the proposed special assessment of the

Roblane Avenue, Quarterline Road to Marlane Street project, and to create a new special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project. The request to vacate the previously created district is due to:

1. The letters contained an incorrect date for the hearing; the hearing date was set for February 12, 2008, but the letters listed the date as February 22, 2008.
2. Calculation errors on parcel 440 and 462 Quarterline. While the footage on the response cards was accurate, the estimated property owner cost was not. This was due to multiplication error between the footage and per foot cost.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To vacate the district on Roblane which was created on February 12, 2008, and to create a new special assessment district and assign two City Commissioners to the Board of Assessors by adopting the resolution.

The public hearing opened to hear and consider any comments from the public. Comments in opposition were heard from Amanda Vandervelde, 463 Marlane.

Motion by Vice Mayor Gawron, second by Commissioner Carter to close the public hearing and vacate the district on Roblane which was created on February 12, 2008, and create a new special assessment district for Roblane Quarterline to Marlane.

ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

Mayor Warmington appointed Commissioner Carter and Commissioner Wierengo to the Board of Assessors.

F. Public Hearing Concerning 2008-CDBG/HOME Recommendation and City Commission Preliminary Decision. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To conduct a public hearing concerning the CDBG/HOME 2008-2009 recommendation, submitted by both the administration and the Citizen's District Council. The public hearing is to obtain comments from the public in reference to the 2008-2009 CDBG/HOME allocation funding which is designated to be \$984,207 and \$290,049 respectively, excluding any program income and reprogrammed funding. The Commission is also asked to make their preliminary decision on what items should be funded and at what amounts.

The City Commission will be asked to make their final decision on April 8, 2008.

FINANCIAL IMPACT: The 2008-2009 allocations will be based on the City Commission final decision.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To conduct the public hearing and to make preliminary allocation decision.

COMMITTEE RECOMMENDATION: The Citizen's District Council recommendations are included with the recommendations submitted by the administration.

The public hearing opened to hear and consider any comments from the public. Comments were heard from Lynette Griffith, 2060 Sullivan Rd., Ravenna, for Habitat for Humanity; Marcia Hovey-Wright, 452 W. Webster, serve CDBG Board; Tim Burgess, Neighborhood Investment Corporation; Jeff Melton, 3001 Ninth, advocate for Healthcare; Sheila Krieson, Habitat for Humanity; and Dan Bonner, 1652 Nelson, Legal Aid of West Michigan.

Motion by Commissioner Carter, second by Commissioner Spataro to close the public hearing and approve the Citizen District Council recommendations with changes to the HOME portion from \$65,000 to \$55,000 for Habitat for Humanity and Neighborhood Investment Corporation and from \$60,000 to \$80,000 for Infill New Construction.

ROLL VOTE: Ayes: Carter, Gawron, Spataro, Warmington, and Wisneski

Nays: Wierengo

MOTION PASSES

G. Recommendation for Annual Renewal of Liquor Licenses. CITY CLERK

SUMMARY OF REQUEST: To adopt a resolution recommending non-renewal of those liquor license establishments who are in violation of Section 50-146 and 50-147 of the Code of Ordinances for the City of Muskegon. These establishments have been found to be in non-compliance with the City Code of Ordinances and renewal of their liquor licenses should not be recommended by the City Commission. If any of these establishments come into compliance by March 24, 2008, they will be removed from this resolution, and recommendation for their renewal will be forwarded to the Liquor Control Commission.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adoption of the resolution.

The public hearing opened to hear and consider any comments from the public. Comments were heard from Attorney Keith McEvoy representing Community Party Store; Lacy Jones, 245 Eastern, Grand Rapids, and Paul Adam Billings, 316 Morris Ave. for The Spotlight Nightclub. The following spoke against

the renewal for Kwik-Way, 45 E. Muskegon: Andrew Bickham, 1762 Princess Lane; Amanda Swarvar, 2849 Bailey; Carol Ripley, 1780 Duchess Court; and Larry Israel, 1673 Woodside. Additional comments were heard from Dan Krauth, Fox 17.

Motion by Commissioner Carter, second by Commissioner Spataro to close the public hearing.

ROLL VOTE: Ayes: Gawron, Spataro, Warmington, Wierengo, Wisneski, and Carter

Nays: None

MOTION PASSES

Motion by Commissioner Carter, second by Commissioner Spataro to adopt the resolution recommending non-renewal of those liquor license establishments who are in violation with the exception of Community Party Store at 1149 Wood Street and The Spotlight Nightclub at 435-441 W. Western Avenue.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron

Nays: None

MOTION PASSES

Motion by Commissioner Carter, second by Commissioner Wierengo to approve the renewal of the liquor license for The Spotlight Nightclub.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, and Carter

Nays: Wisneski and Gawron

MOTION PASSES

Motion by Commissioner Spataro, second by Vice Mayor Gawron to concur with staff recommendation to deny the liquor license for Community Party Store at 1149 Wood.

ROLL VOTE: Ayes: Wisneski, Gawron, and Spataro

Nays: Warmington, Wierengo, and Carter

MOTION DEFEATED

Motion by Commissioner Spataro, second by Commissioner Wierengo to recommend non-renewal of the liquor license for Kwik-Way Food Mart, 45 E. Muskegon, contingent upon violations being filed with the Liquor Control Commission.

ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Gawron, Spataro, and Warmington

Nays: None

MOTION PASSES

Commission asked that a resolution be sent to the Liquor Control Commission.

2008-27 NEW BUSINESS:

A. Repeal Vehicle for Hire Ordinance. CITY CLERK

SUMMARY OF REQUEST: At a Worksession meeting held on June 11, 2007, the Commission considered a request to repeal the Vehicle for Hire Ordinance. At that time, the Commission determined to license taxicabs for one more year while Muskegon County establish a county-wide licensing requirement. The Commission indicated they would visit the issue in one year.

The County has determined that they can not offer a county-wide licensing requirement.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends that the Ordinance to Repeal Vehicles for Hire, Sections 102-200 through 102-260 of the Code of Ordinances be repealed.

Motion by Commissioner Carter, second by Commissioner Spataro to repeal the Vehicles for Hire Ordinance.

Motion and second withdrawn.

Motion by Commissioner Carter, second by Commissioner Spataro to extend the current licensing for cabs to June 11, 2008.

ROLL VOTE: Ayes: Wisneski, Gawron, Spataro, Warmington, and Wierengo

Nays: None

Absent: Commissioner Carter stepped out of the room.

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 8:53 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk